

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

10 August 2010

Dear Colleague

Drafting Welsh Government Measures: Lessons from the first three years

The National Assembly for Wales' Constitutional Affairs Committee has agreed to undertake a short Inquiry after the summer recess into the drafting of Welsh Government Measures and any lessons that can be learned from the experience of the first three years of the Third Assembly.

Background

Since May 2007 the National Assembly for Wales has passed eleven Measures using powers conferred by Part 3 of the *Government of Wales Act 2006*, eight of which were Welsh Government legislation. A further six Welsh Government Measures have been published and are currently being considered by the National Assembly.

The Committee has agreed to look into what, if any, issues of general significance have arisen or could arise from the way in which these Measures have been drafted. In particular, the Committee will be looking at whether there are any lessons from the experience so far that might be applied to how Measures are drafted in future.

Invitation to Submit Evidence

The Committee would welcome your views. In particular, we would be grateful for your views on:

- The balance of what is included on the face of Measures and what is provided for in regulations;
- The extent to which Measures are drafted in clear language and provide legal clarity;
- The extent to which Explanatory Memorandums provide a useful guide to the proposed Measure;

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- The extent to which Regulatory Impact Assessments provide a robust assessment of the likely impact of proposed Measures.
- Any other matters that you consider to be relevant to the Inquiry.

The Committee welcomes any response in English and Welsh and will consider responses after the Assembly's summer recess. In addition to considering written responses, the Committee will also be holding a limited number of oral evidence hearings.

Responses can be sent in hard copy or electronically to the Committee Clerk at the following addresses:

The Committee Clerk
Constitutional Affairs Committee
Legislation Office
Tŷ Hywel
National Assembly for Wales
Cardiff CF99 1NA

e-mail: legislation.committee@wales.gov.uk

Please ensure that your response is submitted in time to arrive by 24 September 2010 as it may not be possible to consider responses received after this date.

Further background information on the Constitutional Affairs Committee and guidance on making a submission is attached as an annex to this letter.

If you would like any further information or have any queries, please contact the Committee Clerk, Steve George on 029 2089 8242 or Olga Lewis the Deputy Clerk on 029 2089 8155.

Yours sincerely



Janet Ryder AM
Chair
Constitutional Affairs Committee

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Annex

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Remit of the Constitutional Affairs Committee

The Constitutional Affairs Committee considers the technical aspects of all statutory instruments or draft statutory instruments made by the Welsh Ministers and reports on whether the Assembly should pay special attention to the instruments on any of the grounds set out in Standing Order 15.2. The Committee can also consider and report on the appropriateness of provisions in proposed Assembly Measures that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General. The Committee is also able to consider and report on any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers.

Guidance on written submissions

When preparing your submission, please keep the following in mind:

Information to include

As a general guideline, written evidence should consist of a **self-contained memorandum** accompanied by a covering letter. Evidence should be presented **as concisely as possible** (a good rule of thumb is that the memorandum should not exceed 6 pages of A4)

The **covering letter** should include:

- the **name and contact details** of the persons or organisation submitting the evidence;
- whether the evidence is submitted on behalf of an organisation, or as an individual;
- **any request to give oral evidence;**
- any request that the committee treat the whole, or part, of the written evidence as **confidential**, with reasons for the request.

(The National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings.)

If you do not want your response or name published, it is important that you clearly specify this in your submission and your reasons for this. However you should be aware that it may not be given the same weight by the Committee when considering the evidence. You should also be aware that the information you have provided in your response to this consultation, including

company information, may be published or disclosed in accordance with the Freedom of Information Act 2000.)

The **memorandum** should contain the following information:

- a **brief summary** of the main points made in the submission
- a **brief introduction** to the person or organisation submitting evidence, perhaps explaining their or the organisation's area of expertise
- any **factual information** the submitter has to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions
- any **recommendations for action** by the Government or others which the submitter would like the committee to consider for inclusion in its report to the Assembly.
- Your response should address the issues the Committee is considering in particular the matters set out in this invitation to submit evidence.

(You should be careful **not to comment on matters currently before a court of law**, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect the written evidence you can submit.)

How to format your evidence

Some points to note:

- **Paragraphs should be numbered**, to assist the committee in referring to the submission during oral evidence.
- If you wish to include **supplementary material** with your memorandum—for example, leaflets, or articles from periodicals - ensure your memorandum is nevertheless self contained.
- If your submission uses colour, it should still make sense when reproduced in black and white as Committee Members may make use of photocopied versions in Committee.
- If you are submitting your evidence electronically, your memorandum should be in **Microsoft Word, rich text or PDF format**.

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